

Being Questioned by the CBP or CBSA

First of all, it's a good idea to try to blend in at the border by wearing typical "tourist" clothing. Agents typically use profiling to flag activists as "suspicious persons" and detain them for more questioning. It is a good idea to have documentation of your plans, such as travel itineraries, letters of invitation, or a hotel reservation.

You may be asked about prior criminal offenses, which include both minor and serious offenses, such as theft, assault, manslaughter, dangerous driving and driving while under the influence of drugs or alcohol. Minor traffic violations (speeding, parking, tailgating, etc) probably won't keep you from entering, unless there are other "flags" on your record.

You are required to answer questions about your citizenship or immigration status at the border. If you're found to have misrepresented info to the CBSA, you can be deemed inadmissible and barred from entering Canada for two years.

Being Denied Admission to the US or Canada

If you are a non-US citizen, you may not want to cross the border if you have a criminal record, unless you have carefully reviewed the impact of the arrest OR conviction on your admissibility. If you are a US citizen and are trying to return to the US, CBP cannot legally keep you out of the country. CBP can arrest you if you have broken the law, but that is the extent of their authority. You have the right to have an attorney with you if you are being questioned. Remember these "magic words": *"I am going to remain silent. I want to speak with a lawyer."*

emergency contact info

Olympics Resistance Network: 604.723.1206. ornlegal@riseup.net.

American Consulate: 1075 West Pender Street, Vancouver.

604.685.4311 (business hours). 604.685.4311 (emergency after hours).

Canadian Consulate: 1501 4th Ave., Suite 600, Seattle. 206.443.1777.

BC Civil Liberties Association: 118 West Georgia St, Ste. 550,
Vancouver. 604.630.9752.

National Lawyers Guild of WA: geoduck@nlgseattle.org,
seattle@nlg.org.

American Civil Liberties Union of WA: 206.624.2180.



border
basics

This guide is intended to help keep information about you and activist networks out of government databases, as well as to get you to your destination in Canada. The information has been compiled from websites and personal stories. It is most informative for US citizens over the age of 18 who are trying to cross the line into Canada. We are not lawyers and these guidelines do not constitute legal advice. Rather, we are just everyday people who want a world without borders.

border basics

"The border" is a 100-mile strip along the land and coastal periphery of the US where Customs and Border Patrol (CBP) is authorized to operate. Called a "Constitution-free zone" by the ACLU, in this region, CBP can conduct searches without warrants or probable cause. The government justifies this by asserting that travelers have reduced expectations of privacy at the border. These days, though, "the border" is home to nearly 2/3 of the population. The tactics of CBP in Washington State include plain clothes officers on ferries, CBP officers boarding public buses and IDing passengers, and movable Border Patrol checkpoints.

The Canadian border is monitored by the Canadian Border Services Agency (CBSA), which is increasingly similar to and integrated with the CBP. Despite its soft reputation (and more customer-service-oriented name), CBSA is not much different from the CBP. As of June 2009, CBSA officers have been issued handguns, a move that was resisted by the Akwesasne and Haudenasaunee Mohawks, whose territory straddles the border. The CBSA also has access to FBI databases that classify peaceful protest as criminal activity and lists activists among international terrorists.

in the border region

The mandate of the CBP is to make sure you are legally entitled to enter the US and are not smuggling in any prohibited items. While CBP agents can search any vehicle at the border and at marked permanent and semi-permanent checkpoints, they only have jurisdiction over customs and immigration law, although they might detain you until a police officer arrives. Outside of borders and checkpoints, the CBP needs probable cause to pull you over when you are driving. If you are stopped by the CBP at any location that is not clearly posted, treat it like a regular traffic stop and act accordingly. This means that you do not have to consent to a search (magic words: *"I do not consent to a search."*) and you only have to answer questions about your citizenship and show your drivers license, proof of registration and insurance (in some jurisdictions). When you are asked questions other than these, you can use these magic words: *"Am I being detained?"* If not, you are free to go. If you are, use these magic words: *"I am going to remain silent. I want to speak to a lawyer."*

crossing the line

Required Identity Documents

- US Passport
- US Passport Card (like a passport but cheaper, with an RFID chip; cannot be used for air travel)
- Trusted Traveler Cards (NEXUS, SENTRI, or FAST)
- State Issued Enhanced Driver's License (has an RFID chip)
- Enhanced Tribal Cards (when available)
- Native American Tribal Photo Identification Card
- Form I-872 American Indian Card
- US Military Identification with Military Travel Orders
- US Merchant Mariner Document when traveling in conjunction with official maritime business
- Form I-551 Permanent Resident Card

You will be asked to declare and show proof of your citizenship. US citizens are now required to have a passport to re-enter the US, so CBSA won't let you in to Canada without one. (You can also use a Nexus Card, US Passport Card, Enhanced Driver's License, or FAST/Express card.) Permanent residents of the US need to present a valid "greencard" (officially Form I-551) to the Canadian authorities. First Nations members entering the US or Canada are required to show a photo ID and demonstrate

at least 50% aboriginal blood (a Letter of Quantum from your band is the most commonly accepted proof if an Enhanced Tribal Card is unavailable).

Your "Rights" in the Constitution-Free Zone

Many people with activist histories (as well as nonpolitical travelers) have been detained for hours, interrogated, and had their possessions and digital devices searched, and sometimes confiscated, only to be turned away at the end of their ordeals. Then again, some people are admitted into Canada after going through all the rigamarole. If you are concerned about being denied, crossing at land ports of entry and at peak times may be best.

By requesting entry into Canada, you basically give up the right to refuse to consent to searches. It is a good idea to get rid of anything potentially incriminating in your backpack/car/computer well before arriving at the border. Be emotionally and logistically prepared for your bags and vehicle to be completely searched. The Olympic Resistance Network (ORN) advises: "Keep travel plans off line. Whenever possible, avoid communicating over email or through social networking sites, especially for final travel logistics. In-person communication is often ideal." Avoid traveling and crossing the border alone because it makes you more emotionally vulnerable to police pressure tactics. Have a plan with your travel buddies for what to do if someone is detained or refused entry. If you must go alone, make sure someone knows to start looking for you or to contact a lawyer if you do not get in touch by a set time.

Traveling by Car

If you're traveling by car, have your vehicle registration ready. If the car isn't registered in the name of someone going on the trip, bring written proof that you have the permission of the owner to take the car into the other country. If it is a rental, you must show the rental agreement. Also, car insurance is mandatory in Canada.

The CBP (and probably CBSA) cameras grab and run your license plate number as you approach the vehicle stop so the officers can see a record on the car owner, including any criminal history, immigration problems, or watch-list flags. They can also see border crossing history, so if you answer questions at odds with what the computer shows, you will likely be sent to secondary inspection and suspected of fraud. The CBP can seize your vehicle if the officers determine that you are bringing someone into the US who is not legally entitled to enter.